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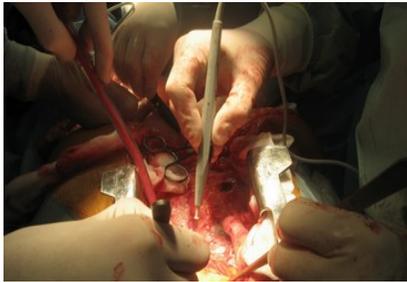
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Rabbi: Organ donations OK without dead's consent

By JEREMY SHARON
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Arusi, municipal rabbi of Kiryat Ono, proposes radical new approach to issue of organ donation.

Rabbi Ratzon Arusi, the municipal rabbi of Kiryat Ono and a member of the Council of the Chief Rabbinate, has proposed a radical new approach to the issue of organ donation.

Instead of requiring the consent of a potential donor or their family, the decision would be put in the hands of rabbinical courts that would establish whether or not the potential donor has died and thereby determine when to allow a hospital to remove the useable organs.

Arusi laid out his ideas in *Tchumin*, an annual publication produced by Machon Tzomet on issues concerning Jewish law in conjunction with contemporary matters of science, society and the state.

According to Arusi's proposals, the rabbinate would establish rabbinical courts in every hospital, which would deal with every case of potential organ donors.

The court would establish when "irreversible damage" to the brain stem has occurred, a status accepted by many rabbis as the halachic definition of death, and the hospital would then recommend whether or not to remove the organs for transplant.

The state considers brainstem death to be actual death for all legal and other purposes.

Most rabbis agree that this definition is in accordance with Jewish law, although some in the ultra-Orthodox community – including Rabbi Yosef Shalom Elyashiv, the leading figure of the haredi community – argue that cardiac death is the defining criteria.

Israel has a low rate of organ donation compared to other Western countries, although numbers have been increasing as of late.

According to the Global Observatory on Donation and Transplantation, Israel's rate of transplanted organs in 2010 was 31 per million people, compared to 91 in Austria, 90 in the US, 72 in France, 64 in the UK and 62 in Germany. Jordan, Iran and Turkey all have higher rates than Israel. However, a 60- percent increase in Israeli organ donation was recorded in 2011.

According to Arusi's plan, the rabbinical courts would be able to remove organs for donation even if the deceased had never signed a organ donor card and even if the family of the deceased objects. They would also ensure that the organ removal be conducted respectfully and that the deceased be taken for burial

immediately, he said.

According to the rabbi, who also serves as the representative of the Chief Rabbinate on the steering committee of the National Transplant Center, when a patient's life is in danger, it is halachically permissible to transplant organs from a deceased person in order to save the endangered patient's life, and a rabbinical court has the ability and authority to rule on the issue.

"One must be extremely careful about the commonly held view that a man is the owner of his own body," Arusi said.

"Using this kind of viewpoint, people permit many things that are forbidden by Jewish law, like suicide, selfharm, high-risk sports and activities, and euthanasia," he continued.

"The assumption that a man is master of his own life is problematic, because in fact it is a gift from the creator and he is the one who decides how and when life ends."

Robby Berman, founder and director of the Halachic Organ Donor Society, said that despite the positive intentions of Arusi to deal with the low number of organ donations in Israel, he would not encourage a rabbinical court to overrule a family's wishes for dealing with a loved one.

He added that an opt-out system, whereby a presumption is made that someone is an organ donor unless they specifically state they do not want to do so, has similar problems to those of Arusi's proposal.

Several countries such as Spain, Austria and Sweden have instituted opt-out policies assuming consent for organ donation by every citizen unless they declare otherwise.

"If someone has signed an organ-donor card, then in the overwhelming number of cases, a family will respect that decision, even if they're uncomfortable with it," Berman said.

"But without that kind of agreement, families can argue against the decision to use their loved one's organs."

Berman stressed that the best way to improve organ donor figures in Israel was for better education and for political and religious public officials to speak out on the issue.

He added that, in his opinion, MKs, ministers and prime ministers should all be required to sign donor cards.

"If public officials don't have the basic sense of civil duty to become organ donors, then they shouldn't be running for office," Berman said.



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